

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TERRY WILLIAMS,

Plaintiff,

CIVIL ACTION NO. 07-CV-12502-DT

vs.

DISTRICT JUDGE DAVID M. LAWSON

STEVE MCCAIN, et al.,

MAGISTRATE JUDGE MONA K. MAJZOUN

Defendants.

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OPINION AND ORDER
GRANTING PLAINTIFF'S MOTION TO AMEND COMPLAINT

This matter comes before the Court on Plaintiff's Motion to Amend Complaint filed on December 14, 2007. (Docket no. 29). There is no response to this motion. This action has been referred to the undersigned for decision on all pre-trial matters. (Docket no. 3). The Court dispenses with oral argument on this motion. E.D. Mich. LR 7.1(e). This motion is now ready for ruling.

Plaintiff, a Michigan prisoner, wishes to amend his Complaint in this matter to replace Defendant Green with Defendant Lt. Rogers. (Docket no. 29). Rule 15(a), Fed. R. Civ. P., provides that leave to amend is to be freely given when justice so requires. The decision whether to permit amendment is committed to the discretion of the trial court. *Lucas v. Schneider Nat'l Carriers, Inc.*, 953 F.2d 644 (6th Cir. 1992) (unpublished).

The Court finds that Plaintiff's unopposed Motion to Amend his Complaint should be granted. The Court is simultaneously with this Order entering a Recommendation on Defendants' pending Motion for Summary Judgment. Therefore, service of process on Lt. Rogers will be stayed until this Recommendation is acted upon by the district judge.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Amend Complaint (docket no. 29) is **GRANTED**.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: March 07, 2008

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Opinion and Order was served upon Terry Williams and Counsel of Record on this date.

Dated: March 07, 2008

s/ Lisa C. Bartlett
Courtroom Deputy